

**UNITED STATES DISTRICT COURT**  
 for the  
 Southern District of Ohio

United States of America )  
 v. )  
 Henrry GIRON-Martinez ) Case No. 2:23-mj-217  
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*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2, 2022 in the county of Franklin in the  
Southern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
8 U.S.C. 1326 (a)(1)	Illegal re-entry by a removed alien

This criminal complaint is based on these facts:

see attached affidavit

Continued on the attached sheet.

ERIC M PORTERFIELD  Digitally signed by ERIC M PORTERFIELD

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*Complainant's signature*

Eric M. Porterfield, Deportation Officer (ICE)

*Printed name and title*

Sworn to before me and signed in my presence.

Date: April 4, 2023

City and state: Columbus, Ohio

  
 Kimberly A. Johnson  
 United States Magistrate Judge  


AFFIDAVIT OF  
ERIC M. PORTERFIELD  
DEPORTATION OFFICER  
IMMIGRATION AND CUSTOMS ENFORCEMENT

I, Eric M. Porterfield, being first duly sworn, depose and say:

1. I am a Deportation Officer with over 16 years of experience with United States Immigration and Customs Enforcement (ICE). I am assigned to the Columbus, Ohio Office of Enforcement and Removal. I have investigated both criminal and administrative matters involving aliens in the United States. I have a bachelor's degree in Natural Resources/ Wildlife Management from the Ohio State University. I have successfully completed the Immigration and Customs Enforcement Basic Immigration Enforcement Training Program (BIETP) at the Federal Law Enforcement Training Center in Brunswick, GA.

My investigation has revealed the following facts:

2. On or about 10/02/2022, Henrry GIRON-Martinez (alias Jose Luis Rivera), a citizen of Honduras, was arrested for Improperly Handling a Firearm in a Motor Vehicle (F4) under Section 2923.16 of the Ohio Revised Code. On or about 02/08/2023, GIRON-Martinez was convicted of Improperly Handling a Firearm in a Motor Vehicle (F4) under Section 2923.16 of the Ohio Revised Code. GIRON-Martinez was sentenced to 12 months Community Control.
3. On or about 05/27/2015, GIRON-Martinez was arrested by ICE Deportation Officers in Columbus, OH. At this time, GIRON-Martinez was charged administratively as an inadmissible alien under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act and issued A file number 206 738 875. On or about 06/29/2015, GIRON-Martinez was ordered removed from the United States to Mexico by an Immigration Judge in Cleveland, OH. On or about 07/17/2015, ANTONIO-Martinez was physically removed from the United States to Honduras via the Alexandria, LA Staging Facility. Prior to his removal, GIRON-Martinez surrendered his fingerprint and photo for Immigration Form I-205 (Warrant of Removal/Deportation), a document that he signed. GIRON-Martinez departure was witnessed and signed by an Immigration Officer.
4. On or about 05/10/2016, GIRON-Martinez was arrested by US Border Patrol Agents (USBP) assigned to the Tucson, AZ Station as a previously removed criminal alien. It was determined after verification of fingerprints that GIRON-Martinez had a prior Order of Removal from the United States. GIRON-Martinez was then issued an Expedited Removal and then physically removed from the United States to Honduras on or about 05/25/2016 via the Alexandria, LA Staging Facility.

5. On or about 10/19/2020, GIRON-Martinez was arrested by ICE Deportation Officers in Columbus, OH as a previously removed criminal alien. It was determined after verification of fingerprints that GIRON-Martinez had a prior Order of Removal from the United States. GIRON-Martinez was then issued an I-871, Notice of Intent to Reinstate a Prior Removal Order, and removed from the United States to Honduras on or about 01/03/2021 via the Alexandria, LA Staging Facility.
6. Records checks confirmed that GIRON-Martinez did not receive permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security for this entry.
7. Your Affiant submits that the foregoing facts establish probable cause that GIRON-Martinez has committed a violation of 8 U.S.C. §§ 1326(a)(1), and (b)(1) being an alien who: (1) subsequent to having been convicted of a felony; (2) was denied admission, excluded, deported, or removed, or departed the U.S. while an order of exclusion, deportation or removal was outstanding; (3) thereafter entered, attempted to enter, or at any time was found in the United States; and (4) did not have consent from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States prior to either his re-embarkation at a place outside the United States or his application for admission from a foreign contiguous territory.

ERIC M  
PORTERFIELD

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PORTERFIELD  
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Eric M. Porterfield  
Deportation Officer  
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this \_\_\_\_\_ day of April, 2023.

  
\_\_\_\_\_  
Kimberly A. Johnson  
United States Magistrate Judge  
